

STATE OF CONNECTICUT

SC 210218

SUPREME COURT

IN RE: HONORABLE ALICE A. BRUNO

MARCH 22, 2022

MOTION TO FILE MEDICAL REPORTS AND AFFIDAVIT UNDER SEAL

Brief History of the Case

1. The Honorable Alice A. Bruno (hereinafter Judge Bruno), was served with an Order to Show Cause ("the Order") dated February 10, 2022. The order requests information regarding Judge Bruno's alleged failure to perform judicial functions for "at least the last two years."
2. The Order states Judge Bruno is directed to "show cause why this Court should not commence proceedings to either suspend or remove Judge Bruno from her judicial office for potential violations of the Code of Judicial Conduct."
3. The Show Cause hearing is scheduled for April 5, 2022.

Specific Facts Relied Upon

4. Judge Bruno has filed a Statement in Response to Order to Show Cause ("the Statement"), through counsel, on March 22, 2022.
5. The Statement refers to medical reports that were previously delivered to the Judicial Branch as part of Respondent's request for reasonable accommodations. The medical reports, attached to an Affidavit of one of Respondent's treating physicians,

contain confidential information regarding Respondent's medical conditions underlying the request for accommodation.

6. Medical records are entitled to confidential treatment pursuant to Connecticut General Statutes § 52-146(c) to § 52-146(t). Medical records are also routinely made confidential by orders of the Superior Court in litigation.
7. These medical records have also been filed with the Judicial Review Council. Matters before the Judicial Review Council are entitled to strict confidentiality. See Connecticut General Statutes § 51-45c(a), Connecticut General Statutes § 51-49(b); Regs. Conn. State Agencies § 51-51k-10(b) 7 (e); Regs. Conn. State Agencies § 51-51k-11(b) 7 (e).

Legal Grounds Upon Which the Moving Party Relies

8. Connecticut General Statutes § 51-51j provides that in any proceeding brought pursuant to this statutory section, "the Supreme Court shall make an investigation of the conduct complained of and hold a hearing thereon ..." Although there are no specific rules in the Connecticut Practice Book that apply to an order to show cause hearing in the Supreme Court, the Court has general supervisory powers to control appellate proceedings pursuant to Practice Book § 60-2, and inherent supervisory authority over the administration of justice. *State v. Ubaldi*, 190 Conn. 559, 570 (1983).
9. Connecticut Practice Book § 11-20A(c) states that upon written motion, affidavits or documents filed with the Court may be sealed or their disclosure limited if the judicial authority finds that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials.

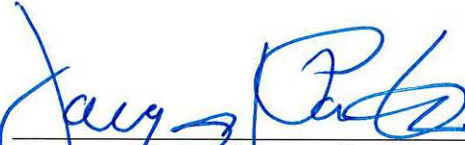
10. In *Rosado v. Bridgeport Roman Catholic Diocesan Corp.*, 292 Conn. 1, 46, (2009), this Court limited the presumption of availability to the public to those documents that can be referred to as “judicial documents,” that is, documents used in the adjudicatory function of the court.
11. Given that there is a dispute related to the Judicial Branch’s refusal to provide accommodation to Judge Bruno, a dispute which is currently pending at the CHRO, where proceedings that are cloaked with confidentiality pursuant to General Statutes § 46a-46a-83(j), and at Judicial Review Council where strict confidentiality is required as noted above, Judge Bruno has significant privacy interests in these contested, confidential proceedings, and her medical records should not be made available to the public when reliance upon the records is not required for the adjudication of the Order to Show Cause.
12. In *Cohen v. Meyers*, 2015 Conn. Super. LEXIS 310, at *8 (Super. Ct. Feb. 17, 2015), the Court was presented with a motion to seal records concerning the medical condition of the defendant and found that the public’s interest in viewing records related to the medical treatment at issue in the case was minimal and outweighed by the judicial system’s interest in the orderly administration of justice.

Wherefore, for all the foregoing reasons, the Honorable Alice A. Bruno respectfully requests that the Court order that the Affidavit and medical reports attached thereto be filed under seal.

Dated at New London, Connecticut this 22nd day of March 2022.

Respectfully submitted
HONORABLE ALICE A. BRUNO

By:



Jacques J. Parenteau, Esq.
Madsen, Prestley & Parenteau, LLC
Juris No. 418345
105 Huntington Street
New London, Connecticut 06320
jparenteau@mppjustice.com
Tele: (860) 442-2466
Fax: (860) 447-9206
Her Attorneys.